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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )  
14 )  
Plaintiff, )  
15 )  
v. )  
16 )  
ARNOLDO SANCHEZ FARIAS, )  
17 )  
Defendant. )  
18 \_\_\_\_\_ )

No. CR 11-0647 RS

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXCLUDING TIME**

19  
20 On September 27, 2011, and November 8, 2011, the Court held status hearings in this  
21 matter. At the November 8 hearing, the Court set January 24, 2012, as the date for a hearing on  
22 an anticipated motion for discovery. At each status hearing, counsel requested that time between  
23 the hearings be excluded from any time limits applicable under 18 U.S.C. § 3161, for the  
24 purpose of effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Also at each status  
25 hearing, the Court made findings that the ends of justice served by granting such an exclusion of  
26 time outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
27 3161(h)(7)(A).  
28

1 On January 5, 2012, the defendant filed a motion to compel discovery, and the  
2 government filed its opposition on January 17, 2012. On January 26, 2012, the Court referred  
3 the discovery issue to a Magistrate. On January 31, 2012, Chief Magistrate James, who received  
4 the discovery referral, denied the defendant's motion without prejudice, pending the submission  
5 of a joint letter pursuant to her procedure for addressing discovery disputes.

6 As Judge James denied the motion, the parties will proceed with adjudication of the  
7 discovery issue according to Judge James' method. Therefore, the parties request that the period  
8 of time from the date of this Order to the next setting of a status hearing or other proceeding  
9 before this Court be excluded from any time limits applicable under 18 U.S.C. § 3161, for the  
10 purpose of effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

11  
12 SO STIPULATED:

13  
14 MELINDA HAAG  
United States Attorney

15 DATED: March 19, 2012

16 /s/  
KEVIN J. BARRY  
Assistant United States Attorney

17  
18 DATED: February 8, 2012

19 /s/  
STEVEN E. TEICH  
Attorney for ARNOLDO SANCHEZ  
FARIAS


20  
21 ~~PROPOSED~~ ORDER

22 For the reasons stated above and at the September 27, 2011, and November 8, 2011,  
23 hearings, the Court finds that exclusion from the time limits applicable under 18 U.S.C. § 3161  
24 the period from September 27, 2011, through January 31, 2012, and from the date of this Order  
25 through the next setting of a status hearing or other proceeding before this Court is warranted  
26 and that the ends of justice served by the continuance outweigh the best interests of the public  
27 and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested  
28

1 exclusion of time would deny counsel for the defendant and for the government the reasonable  
2 time necessary for effective preparation, taking into account the exercise of due diligence, and  
3 would affect continuity of counsel, resulting in a miscarriage of justice. 18 U.S.C. §  
4 3161(h)(7)(B)(iv).

5 IT IS SO ORDERED.

6  
7 DATED: 3/21/12

  
THE HONORABLE RICHARD SEEBORG  
United States District Judge